

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors believe they are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **A COMPACT VARIABLE PATH EXERCISE APPARATUS**, the specification of which:

is attached herewith.  
 was filed on \_\_\_\_\_ as Application Serial No.\_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**PRIOR FOREIGN APPLICATION(S)**

			<u>Priority Claimed</u>
<u>N/A</u> (Number)	<u>(Country)</u>	<u>(Date Filed)</u>	<u>Yes/No</u>

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose all information known to me to be material to the patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56, which become available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>N/A</u> (Application Serial No.)	<u>(Filing Date)</u>	<u>Pending</u> (Status)

I hereby claim the benefit under title 35, United States code §119(e) of any United States provisional application(s) listed below:

60/476,548 (Application Serial No.)	June 6, 2003 (Filing Date)
60/486,333 (Application Serial No.)	July 11, 2003 (Filing Date)
60/490,154 (Application Serial No.)	July 25, 2003 (Filing Date)
60/491,382 (Application Serial No.)	July 31, 2003 (Filing Date)
60/494,308 (Application Serial No.)	August 11, 2003 (Filing Date)
<b>VARIABLE STRIDE EXERCISE DEVICE</b>	
Robert E. Rodgers, Jr. (Application Title and Inventor)	September 19, 2003 (Filing Date)
60/511,190 (Application Serial No.)	October 14, 2003 (Filing Date)
<b>VARIABLE STRIDE EXERCISE DEVICE</b>	
Robert E. Rodgers, Jr. (Application Title and Inventor)	October 29, 2003 (Filing Date)

I hereby revoke any previous Powers of Attorney and appoint (1) the practitioners at Customer Number 35690, and (2):

Mark K. Brightwell	Reg. No. 47,446
Kay A. Colapret	Reg. No. 52,759
Steve J. Curran	Reg. No. 50,664
Mark R. DeLuca	Reg. No. 44,649
Heather L. Flanagan	Reg. No. 54,101
Russell Henrichs	Reg. No. 50,354
Erik A. Heter	Reg. No. 50,652
Jeffrey C. Hood	Reg. No. 35,198
B. Noël Kivlin	Reg. No. 33,929
Robert C. Kowert	Reg. No. 39,255
Lawrence J. Merkel	Reg. No. 41,191
Eric B. Meyertons	Reg. No. 34,876
Neal E. Persky	Reg. No. 53,452
Liza Philip	Reg. No. 51,352
David W. Quimby	Reg. No. 39,338
Rory D. Rankin	Reg. No. 47,884
Gareth Sampson	Reg. No. 52,191
Chris Thompson	Reg. No. 43,188
Mark S. Williams	Reg. No. 50,658

each an attorney or agent of the firm of MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C., as its attorney or agent for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Please direct all communications as follows:

Eric B. Meyertons  
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.  
P.O. Box 398  
Austin, Texas 78767-0398  
Ph: (512) 853-8800

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Full Name: Robert E. Rodgers, Jr.

Inventor's Signature: Robert E. Rodgers Date: 4/27/03

Country of Residence: U.S. Citizenship: U.S.

Residence Address: 974 Kings Point Dr., Canyon Lake, TX 78133  
(Include number, street name, city, state and zip code)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: Unknown

Filed: Herewith

Inventor(s):

Robert E. Rodgers, Jr.

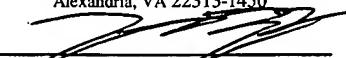
§ Examiner: Unknown  
 § Art Unit: Unknown  
 § Atty. Dkt. No: 5787-00908  
 §

Title: A COMPACT VARIABLE  
 PATH EXERCISE  
 APPARATUS

CERTIFICATE OF EXPRESS MAIL  
 UNDER 37 C.F.R. §1.10

"Express Mail" mailing label number: EV318248459US  
 DATE OF DEPOSIT: November 26, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to:  
 Commissioner for Patents  
 Alexandria, VA 22313-1450

  
 Derrick Brown

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
 INDEPENDENT INVENTOR**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 C.F.R. § 1.27(a)(1) for purposes of paying reduced fees under Section 41(h) of Title 35 United States Code, to the Patent and Trademark Office with regard to the invention entitled **A COMPACT VARIABLE PATH EXERCISE APPARATUS**, described in:

- the specification filed herewith.
- application serial no.: \_\_\_\_\_, filed \_\_\_\_\_.
- patent no.: \_\_\_\_, issued \_\_\_\_.
- I have not assigned, granted, conveyed or licensed and are under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 C.F.R. § 1.27(a)(1) if the person had made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. § 1.27(a)(2) or a nonprofit organization under 37 C.F.R. § 1.27(a)(3); or
- Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below.\* No rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 C.F.R. § 1.27 (a)(1) or a small

Robert E. Rodgers, Jr.

business concern under 37 CFR 1.27(a)(2); or by any concern which would not qualify as a small business concern under 37 CFR 1.27(a)(2) or a nonprofit organization under 37 CFR 1.27(a)(3).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities.

FULL NAME:

ADDRESS:

Individual       Small Business Concern       Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Inventor's Full Name: Robert E. Rodgers, Jr.

Inventor's Signature: Robert E. Rodgers, Jr. Date: 4/25/03